

3. Removal is proper because this Court has jurisdiction on the basis of diversity between the parties pursuant to 28 U.S.C. § 1332(a)(1). Plaintiff is a political subdivision of the State of Missouri. Defendant Tyler is a corporation formed under the laws of the State of Delaware, with its principle place of business at 5949 Sherry Lane, Suite 1400, Dallas, Texas 75225. Accordingly, Plaintiff is a citizen of Missouri and Defendant is a citizen of Delaware and Texas. Thus, there is complete diversity of citizenship between the parties.

4. Second, the amount in controversy exceeds \$75,000.00, exclusive of interests, costs and attorneys fees as is expressly stated in Plaintiff's Petition. Paragraph 13 of Plaintiff's Petition alleges that Plaintiff has been damaged in the amount of \$1,124,135.00 plus an additional \$183,864.84.

5. Because the State Court Action is wholly between citizens of different states and the amount in controversy exceeds \$75,000.00, exclusive of interests, costs, and fees, this Court has original jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

6. Venue is proper in this Court pursuant to 28 U.S.C. § 1441(a) because the Eastern District of Missouri, Eastern Division embraces Jefferson County, Missouri, where Plaintiff's State Court Action is now pending.

7. Plaintiff has demanded a jury trial in the State Court Action.

8. A copy of the entire file from the State Court action is attached to this Notice of Removal as required by Rule 2.03 of the Local Rules for the Eastern District of Missouri. *See Exhibit A.* A copy of all process and pleadings received by Tyler Technologies is attached to this Notice of Removal as required by 28 U.S.C. § 1446(a). *See Exhibit B.*

9. Defendant will promptly give the adverse party written notice of the filing of this Notice of Removal as required by 28 U.S.C. § 1446(d).

10. Defendant will promptly file a copy of this Notice of Removal with the clerk of the Circuit Court of the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri, where the action is currently pending as required by 28 U.S.C. § 1446(d).

11. Defendant reserves the right to supplement this Notice of Removal.

WHEREFORE, in accordance with the requirements set forth in 28 U.S.C. §§ 1332, 1441 and 1446, Defendant removes this action from the 23rd Judicial Circuit of Missouri at Hillsboro, Jefferson County, Missouri, to this Court.

Respectfully Submitted,

/s/ B. Matthew Struble

Steven E. Garlock
E.D. Missouri Bar No. 3184
B. Matthew Struble
E.D. Missouri Bar No. 498813
Thomson Coburn LLP
One US Bank Plaza
St. Louis, Missouri 63101
P: (314) 552-6000
F: (314) 552-7000
sgarlock@thompsoncoburn.com
mstruble@thompsoncoburn.com

Of Counsel:

Craig W. Budner
Texas State Bar No. 03313730
Andrew B. Russell
Texas State Bar No. 24034661
Courtney Barksdale Perez
Texas State Bar No. 24061135
K&L Gates LLP
1717 Main Street
Suite 2800
Dallas, Texas 75201
P:(214) 939-5848
F:(214) 939-5849

craig.budner@klgates.com
andrew.russell@klgates.com
courtney.perez@klgates.com

**ATTORNEYS FOR DEFENDANT TYLER
TECHNOLOGIES, INC.**

CERTIFICATE OF SERVICE

I hereby certify that on this the 10th day of April, 2009, a true and correct copy of the foregoing document was served upon the following counsel of record via electronic means and United States mail in accordance with the Federal Rules of Civil Procedure.

Dana Hockensmith
Hockensmith Tatlow McKinnis Hammill, P.C.
12801 Flushing Meadow Drive
Saint Louis, Missouri 63131
(314) 956-6653 (Fax)
Hockensmith@htmhlaw.com
ATTORNEY FOR PLAINTIFF

/s/ B. Matthew Struble

B. Matthew Struble